

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA) No. EP-22-CR-773-DB
)
vs.) El Paso, Texas
)
ADRIAN GIL, II) November 10, 2022

PLEA
BEFORE THE HONORABLE DAVID BRIONES
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE GOVERNMENT: MR. STANLEY M. SERWATKA
Assistant United States Attorney
700 E. San Antonio, Suite 200
El Paso, Texas 79901

FOR THE DEFENDANT: MS. DENISE BUTTERWORTH
Attorney at Law
525 N. Kansas
El Paso, Texas 79902

Proceedings reported by court reporter. Transcript
produced via computer-aided transcription.

1 (Tess Saenz sworn to interpret Spanish into English.)

2 THE COURT: The clerk will call the cases.

3 THE CLERK: EP-21-CR-725, Kayla Bishop; EP-22-CR-773,
4 Adrian Gil, II; and EP-22-CR-1633, Dany Gustavo Ramos-Ramos.

5 MR. SERWATKA: Good morning, Your Honor. Stanley
6 Serwatka in all three cases.

7 MR. SALAS: Good morning, Your Honor. Rafael Salas on
8 behalf of Kayla Bishop. Ready to plead to Count One pursuant
9 to a plea agreement, Your Honor.

10 MS. BUTTERWORTH: Good morning, Your Honor. Denise
11 Butterworth on behalf of Mr. Gil, and we're ready to proceed.

12 MR. MONCAYO: Good morning, Your Honor. Jose Moncayo
13 on behalf of Dany Gustavo Ramos-Ramos. Ready to proceed to a
14 plea and sentencing.

15 THE COURT: I understand that you are all here to
16 enter a plea of guilty. That means that I'm going to be asking
17 you many questions and I expect you to answer them truthfully.

18 You are Kayla Bishop?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Bishop, there was an eleven-count
21 Superseding Indictment filed in this case. I'm not aware of
22 how many counts you were mentioned in, but you are mentioned in
23 Count One of your Indictment, and that is conspiracy to import
24 50 grams or more of methamphetamine.

25 Are you going to enter a plea of guilty here to Count

1 One of your Indictment, Ms. Bishop?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Mr. Gil, and I expect you to be on time
4 next time.

5 Do you understand that?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: You were indicted on a single-count
8 charging you with drug use or in possession of a firearm.

9 Are you going to enter a plea of guilty here today to
10 Count One of your Indictment, Mr. Gil?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: You are Dany Gustavo Ramos-Ramos?

13 THE DEFENDANT: Yes.

14 THE COURT: Mr. Ramos, the Grand Jury issued a
15 single-count Indictment charging you with having made a false
16 material statement.

17 Do you understand what you have been charged with in
18 the first and only count of your Indictment, Mr. Ramos?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you entering a plea of guilty here
21 today to having made a false material statement?

22 THE DEFENDANT: Yes.

23 THE COURT: I'm going to presume that your attorney
24 has advised you of all of your rights. One of those rights is
25 that you do not have to testify or answer any of my questions,

1 but if you are here to enter a plea of guilty, I will need to
2 ask you many questions and if you want to enter your plea, it
3 will be necessary that you answer my questions.

4 Are you willing to waive your right to remain silent
5 and will you answer my questions, Ms. Bishop?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Gil?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Mr. Ramos?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: The clerk is going to swear all of you in.

12 THE CLERK: Please raise your right hand.

13 *(Defendants duly sworn.)*

14 DEFENDANT BISHOP: I do.

15 DEFENDANT GIL: I do.

16 THE INTERPRETER: "Yes" by Mr. Ramos.

17 THE CLERK: You may lower your hand.

18 THE COURT: Do you understand that you have taken an
19 oath to respond truthfully? If you do not respond truthfully,
20 you could be subjected to the penalties of perjury?

21 Do you understand, Ms. Bishop?

22 THE DEFENDANT: Yes.

23 THE COURT: You need to speak up.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Loud enough. Everything is being

1 recorded.

2 Do you understand, Mr. Gil?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you understand, Mr. Ramos?

5 THE DEFENDANT: Yes.

6 THE COURT: Are you under the influence of any drugs,
7 medication or alcohol here today, Ms. Bishop?

8 THE DEFENDANT: No, sir.

9 THE COURT: Mr. Gil?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Mr. Ramos?

12 THE DEFENDANT: No.

13 THE COURT: If there's something you do not
14 understand, take it up with your attorney or bring it to my
15 attention.

16 Ms. Bishop, how old are you, ma'am?

17 THE DEFENDANT: How old am I?

18 THE COURT: How old are you?

19 THE DEFENDANT: 31, sir.

20 THE COURT: Speak up.

21 THE DEFENDANT: 31.

22 THE COURT: 31. How much education do you have?

23 THE DEFENDANT: High school diploma.

24 THE COURT: Mr. Salas, any reason to question the
25 competency of Ms. Bishop?

1 MR. SALAS: No, Your Honor. I believe she's
2 competent.

3 THE COURT: Mr. Gil, how old are you?

4 THE DEFENDANT: 24, Your Honor.

5 THE COURT: How much education do you have?

6 THE DEFENDANT: Some college, Your Honor.

7 THE COURT: Ms. Butterworth, any reason to question
8 the competency of Mr. Gil?

9 MS. BUTTERWORTH: No, Your Honor.

10 THE COURT: Mr. Ramos, you are 18 years old?

11 THE DEFENDANT: Yes.

12 THE COURT: And, you have six years of education?

13 THE DEFENDANT: Yes.

14 THE COURT: Mr. Moncayo, any reason to question the
15 competency of Mr. Ramos?

16 MR. MONCAYO: No, Your Honor.

17 THE COURT: Mr. Serwatka, any reason to question the
18 competency of any of the defendants?

19 MR. SERWATKA: No, Your Honor. The Government's file
20 as to each of the three defendants contains no information that
21 would raise an issue of competence.

22 THE COURT: Very well. I will rule that all the
23 defendants are competent to proceed with their plea.

24 Now, before I can ask you if you're guilty or not, I
25 need to discuss some of these rights with you. These rights

1 that I'm going to discuss with you should -- must be waived by
2 you if you are to proceed to a sentence -- excuse me, to a
3 guilty plea.

4 You have the right to have a trial by jury.

5 You have the right to have the Government prove you
6 guilty beyond a reasonable doubt.

7 You have a right to be presumed innocent.

8 You have the right to an acquittal. An acquittal is a
9 finding of not guilty if the Government fails to prove you
10 guilty beyond a reasonable doubt.

11 You have a right to confront and question any witness
12 brought forth by the Government.

13 You have the right to object to evidence offered by
14 the Government.

15 You have the right to offer evidence in your own
16 behalf.

17 I've already informed you of your right to remain
18 silent, but you also have the right to have the Court advise
19 the jury in the event of a trial where you did not testify that
20 the jury could not consider that fact against you for any
21 reason.

22 Now, if you persist in pleading guilty and if I do
23 accept your plea of guilty, you must understand that you will
24 first have to waive your right to trial and these other rights
25 that I have just discussed with you.

1 If you do plead guilty, there will be no trial. I
2 will enter a judgment of guilty and then proceed to sentence
3 you after I have reviewed a Presentence Report that has been
4 prepared or will be prepared by the U.S. Probation Office.

5 Now, having discussed these rights with you I need to
6 know first of all if you have understood all of them,
7 Ms. Bishop?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Gil?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Mr. Ramos?

12 THE DEFENDANT: Yes.

13 THE COURT: Having understood these rights, are you
14 willing to waive them and continue with this plea of guilty,
15 Ms. Bishop?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Mr. Gil?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Mr. Ramos?

20 THE DEFENDANT: Yes.

21 THE COURT: Ms. Bishop, if you enter a plea of guilty
22 to conspiracy to import 50 grams or more of methamphetamine,
23 the maximum possible sentence that you may receive is
24 incarceration of 10 years to life, and/or a fine of 0 to
25 \$10 million, plus supervised release of 5 years minimum and a

1 \$100 assessment to the Crime Victim's Fund.

2 Do you understand what the maximum possible sentence
3 can be if you enter a plea of guilty here today, Ms. Bishop?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Gil, if you enter a plea of guilty to
6 having been a drug user in possession of a firearm, the maximum
7 possible sentence that you may receive is incarceration of 0 to
8 10 years, and/or a fine of 0 to \$250,000, plus supervised
9 release of up to 3 years, and a \$100 assessment to the Crime
10 Victim's Fund.

11 Do you understand what the maximum possible sentence
12 can be if you enter a plea of guilty here today, Mr. Gil?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Mr. Ramos, if you enter a plea of guilty
15 of having made a false material statement, the maximum possible
16 penalty that you may receive is incarceration of 0 to 5 years,
17 and/or a fine of 0 to \$250,000, plus supervised release of 0 to
18 3 years, and a \$100 assessment to the Crime Victim's Fund.

19 Do you understand what the maximum possible sentence
20 can be if you enter a plea of guilty here today, Mr. Ramos?

21 THE DEFENDANT: Yes.

22 THE COURT: Has anyone threatened you, coerced you or
23 in any way forced you to come here today to enter a plea of
24 guilty, Ms. Bishop?

25 THE DEFENDANT: No, sir.

1 THE COURT: Mr. Gil?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Mr. Ramos?

4 THE DEFENDANT: No.

5 THE COURT: Has any promise been made to you to induce
6 you to plead guilty here today, Mr. Gil?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: Mr. Ramos?

9 THE DEFENDANT: No.

10 THE COURT: Ms. Bishop, I have a plea agreement here
11 before me. It has been signed and dated the 8th, signed by
12 you, your attorney and the Assistant U.S. Attorney, and it
13 states that you have carefully read and reviewed the entirety
14 of the plea agreement, or that it has been read to you and
15 reviewed with you and your attorney, that you understand your
16 rights and respect the pending criminal charges.

17 You agree to the specific terms and conditions of the
18 plea agreement, and the plea agreement, in addition to being
19 signed by you, every page is initialed indicating that you have
20 read it or it has been read to you.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I also have a sealed addendum. The sealed
25 addendum also has been signed by you, your attorney and the

1 Assistant U.S. Attorney, and the sealed addendum gives
2 additional facts in regard to your plea, and, it is sealed, so
3 I'm not going to go over it with you.

4 Did you, in fact, also execute -- well, read and
5 execute the sealed addendum?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: I'm going to go over a portion of your
8 plea agreement with you, but not the whole thing, just parts of
9 it.

10 The plea agreement I have before me states that you,
11 Kayla Bishop, agree to enter a plea of guilty to Count One of
12 the Superseding Indictment charging you with conspiracy to
13 import a controlled substance, that being methamphetamine.

14 Did you agree to enter a plea of guilty to conspiracy
15 to import a controlled substance?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In exchange, the Government will move to
18 dismiss all of the other remaining charges against you. The
19 plea agreement states what the maximum penalty can be, and I've
20 discussed that with you already.

21 You state in the plea agreement that no person has
22 promised you what sentence you will receive; is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: The plea agreement has a waiver of rights.
25 I've discussed that with you already also.

1 You knowingly and voluntarily waive your right to
2 appeal whatever judgment and sentence I may impose, but you do
3 retain your rights to appeal if you believe your sentence is a
4 violation of your constitutional rights based on claims of
5 ineffective assistance of counsel or prosecutorial misconduct.

6 There is a sentencing agreement. The Government
7 agrees that it will not oppose that you receive the maximum
8 applicable downward adjustment for you having accepted
9 responsibility.

10 Now, if you were to violate any of the terms of the
11 plea agreement, then the Government would be released from its
12 obligation under the plea agreement and may at its sole
13 discretion move to set aside your guilty plea and proceed
14 against you on other charges at sentencing or in any
15 prosecution, the Government may use against you any statements
16 that you have made as part of the guilty plea.

17 It may advocate for any sentence up to and including
18 the statutory maximum, and it can decline to seek a reduced
19 sentence; that is, if you were to violate the terms of your
20 plea agreement.

21 Now, in regard to the portions that I have discussed
22 with you, Ms. Bishop, did I correctly state those portions with
23 you now?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you concur?

1 THE DEFENDANT: Yes.

2 THE COURT: You concur with that, Mr. Salas?

3 MR. SALAS: Yes, Your Honor.

4 THE COURT: Now, I have discussed with you a portion
5 of the promises that have been made to you, has any other
6 promise been made to you that I did not discuss with you?

7 THE DEFENDANT: No, sir.

8 THE COURT: Now, to all of you, did your attorney
9 inform you of what these Sentencing Guidelines are? Did your
10 attorney inform you that even though the guidelines are
11 advisory ordinarily the Court will follow them? And, did your
12 attorney also advise you how these guidelines are likely to be
13 applied to you in your case, Ms. Bishop?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Gil?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Mr. Ramos?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, Ms. Bishop and Mr. Gil, I'm not going
20 to make a determination today of what guidelines apply to your
21 case. The Probation Department is going to prepare a
22 Presentence Report on you.

23 When that report has been prepared, it will be turned
24 over to your attorney.

25 Your attorney will have the opportunity to review the

1 report with you, and you will have the opportunity to return
2 here to court and at that time you may make -- bring to my
3 attention any corrections that you feel should be made to your
4 report.

5 Do you understand all that, Ms. Bishop?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Mr. Gil?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you understand that once I have made a
10 determination of what guidelines apply to your case, that I
11 still retain certain authority to impose a sentence that may be
12 more severe or less severe than the sentence that is called for
13 by the Advisory Guidelines.

14 Do you understand, Ms. Bishop?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Mr. Gil?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Mr. Ramos?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that if the sentence
21 that I do impose is more severe than what you expected, you
22 will still be obligated, and you will not be able to withdraw
23 your plea of guilty.

24 Do you understand, Ms. Bishop?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Gil?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Mr. Ramos?

4 THE DEFENDANT: Yes.

5 THE COURT: You have indicated that your attorney has
6 advised you about the Sentencing Guidelines and how they may be
7 applied to you in your case. Other than the information
8 provided by your attorney on the Sentencing Guidelines, has
9 anyone made any prophecy or promise to you of what sentence I'm
10 going to give you, Ms. Bishop?

11 THE DEFENDANT: No, sir.

12 THE COURT: Mr. Gil?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Mr. Ramos?

15 THE DEFENDANT: No.

16 THE COURT: Ms. Bishop, if you were to proceed to
17 trial on Count One of your Indictment, for you to be convicted
18 of conspiracy to import 50 grams or more of methamphetamine,
19 the Government would be obligated to prove beyond a reasonable
20 doubt that two or more persons made an agreement to commit the
21 crime of importing 50 kilograms or more of methamphetamine into
22 the United States;

23 That you knew the unlawful purpose of your agreement;
24 and you joined in it willfully with the intent to further the
25 unlawful purpose.

1 Now, do you understand what the Government would be
2 obligated to prove for you to be convicted of conspiracy to
3 import 50 grams or more of methamphetamine, Ms. Bishop?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: To Count One of your Indictment charging
6 you with conspiracy to import 50 grams or more of
7 methamphetamine, how do you plead, guilty or not guilty?

8 THE DEFENDANT: Guilty.

9 THE COURT: Mr. Serwatka, what are you prepared to
10 prove here?

11 MR. SERWATKA: Your Honor, if this case were to
12 proceed to trial, the United States would be prepared to prove
13 that the defendant acknowledged -- the attorney has explained
14 to the defendant all of the elements of each of the offenses of
15 pleading guilty. She understands that if the defendant pled
16 not guilty, the United States would be required to prove the
17 elements that the Court had said to the satisfaction of a jury.

18 Defendant admits that on February 23, 2021, in the
19 Western District of Texas, co-conspirator listed as CC1 and
20 Deserey Sherri Gonzales attempted to enter the United States
21 from Mexico at the Paso del Norte Port of Entry in El Paso,
22 Texas, located in the Western District of Texas.

23 CC1 was the driver and registered owner of a white
24 2005 Chevrolet Silverado bearing New Mexico license plate
25 Number 524 which was a target vehicle number one. Gonzales was

1 a passenger in the vehicle.

2 During the vehicle inspection a Customs and Border
3 Protection officer noticed that CC1 was nervous and later found
4 a white crystal-like substance located in the secret
5 compartment inside the vehicle's gas tank. The white
6 crystal-like substance tested positive for the properties of
7 methamphetamine and had a total gross weight of
8 20.68 kilograms.

9 Based on the investigation, agents discovered CC1 was
10 recruited by CC2, who was working for again CC3,
11 co-conspirators, and CC3 employed CC2 to recruit load drivers
12 to unlawfully import the methamphetamine into the United States
13 from Mexico.

14 From on or about April 1, of 2020, through on or about
15 October 31, 2020, Defendant Kayla Bishop was responsible for
16 this task in this drug trafficking organization.

17 It was after October 2020, that the defendant left the
18 organization and CC2 began recruiting drivers for CC3.

19 Kayla Bishop now admits and affirms she knowingly
20 conspired with CC3 and others to unlawfully import
21 methamphetamine into the United States from Mexico during the
22 time period detailed in Count One of the Superseding
23 Indictment.

24 THE COURT: Mr. Salas, any corrections to the factual
25 basis on Ms. Bishop?

1 MR. SALAS: No, Your Honor.

2 THE COURT: Ms. Bishop, having heard Mr. Serwatka
3 recite the facts of your case, is everything correct as he has
4 stated?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Gil, if you were to proceed to trial
7 on the charge of a drug user in possession of a firearm, the
8 Government would be obligated to prove beyond a reasonable
9 doubt that you knowing that you were an unlawful user of a
10 controlled substance as defined in Title 21 United States Code
11 Section 802, you did knowingly possess a firearm, that is; a
12 Glock 22, .40 caliber handgun bearing serial number KZB971.
13 The firearm having been shipped and transported in interstate
14 commerce.

15 Do you understand what the Government would be
16 obligated to prove for you to be convicted of being a drug user
17 in possession of a firearm, Mr. Gil?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: To the single-count Indictment charging
20 you with drug user in possession of a firearm, how do you
21 plead, sir, guilty or not guilty?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: Mr. Serwatka, what are you prepared to
24 prove here?

25 MR. SERWATKA: Your Honor, if this case were to

1 proceed to trial the United States would be prepared to prove
2 that on July 15 of 2021, in a custodial interview of the
3 defendant, which was recorded, the interview -- the defendant
4 was given his *Miranda* rights by an Agent Schuler of the
5 Alcohol, Tobacco, Firearms and Explosives. He waived his
6 rights in writing and agreed to talk with Agent Schuler.

7 The defendant said all of the guns belonged to him,
8 and those guns were found at a residence that the defendant was
9 at. They belonged to him, and he purchased most of the
10 firearms from private sales. He said that he was on probation
11 for DUI and was also running a concurrent probation for
12 possession of marijuana.

13 He said the Keltec rifle belonged to him, and he
14 placed it in Vanessa Ramirez's room. He said he purchased the
15 firearm from El Paso Gun Exchange. He said he purchased the
16 Draco 7.26 pistol and black revolver from an old man in a
17 garage sale several years ago. Defendant purchased both
18 firearms for a total of \$1100. He said sometime in 2018.

19 Defendant said he purchased the FN, .45 caliber
20 handgun from a private sale sometime in 2019. He said he paid
21 \$1,000 for that firearm. And, that he purchased the Glock,
22 which was the handgun in this case, for \$700.

23 Agent Schuler asked what happened the previous evening
24 that he got the police called. Defendant said that he was
25 inside of his residence and heard some shouting outside, went

1 outside to see what was going on. At this time, Agent Schuler
2 warned the defendant that lying to a federal agent is a crime
3 and to make sure that he was honest.

4 Agent Schuler asked Gil how long he had been using
5 marijuana. Defendant said that he had been using marijuana
6 since he was 14 years old and that after high school he began
7 using marijuana daily.

8 Agent Schuler asked the Defendant if he knew it was a
9 federal offense to be a drug user in possession of a firearm.
10 Defendant said, "Trap. Trap. You got me."

11 Defendant said that he knew it was illegal to have
12 marijuana, a medical card from New Mexico, and have a firearm.

13 Defendant told Agent Schuler that marijuana helped him
14 eat more and said, "I just like good weed."

15 Agent Schuler asked the defendant if he was ever
16 concerned about having drugs and getting ripped off. The
17 defendant said that he was concerned about people breaking into
18 his house.

19 At this time the defendant said he didn't want to
20 answer any more questions about the marijuana, and he said
21 he'll take the guns, indicating that all the firearms were his.

22 With regards to the Glock and all the other firearms,
23 nexus checks were made on them, and none of them were
24 manufactured in Texas, so they all moved in interstate
25 commerce.

1 THE COURT: Ms. Butterworth, any corrections to the
2 factual basis on Mr. Gil?

3 MS. BUTTERWORTH: No, Your Honor.

4 THE COURT: Mr. Gil, having heard Mr. Serwatka recite
5 the facts of your case, is everything correct as he stated?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Mr. Ramos, if you were to proceed to trial
8 on the charge of having made a false material statement, the
9 Government would be obligated to prove beyond a reasonable
10 doubt that you did knowingly or willingly make a materially
11 false, fictitious and fraudulent statement and representation
12 in that you, after illegally entering the United States from
13 Mexico, falsely represented to Border Patrol agents that you
14 were a minor when, in fact, and in truth you were -- you knew,
15 you were not a minor;

16 That the false statement was made in an attempt to be
17 released into the United States.

18 Do you understand what the Government would be
19 obligated to prove for you to be convicted of having made a
20 false material statement, Mr. Ramos?

21 THE DEFENDANT: Yes.

22 THE COURT: To the single-count Indictment charging
23 you with having made a false material statement, how do you
24 plead, guilty or not guilty?

25 THE DEFENDANT: Guilty.

1 THE COURT: What are you prepared to prove here,
2 Mr. Serwatka?

3 MR. SERWATKA: If this case were to proceed to trial,
4 Your Honor, the Government would be prepared to prove that on
5 September 7th of 2022, Dany Gustavo Ramos-Ramos was apprehended
6 by United States Border Patrol agents in El Paso, Texas, which
7 is in the Western District of Texas.

8 Defendant at that time claimed to be 13 years old.
9 U.S. Border Patrol agents provided the defendant with his
10 *Miranda* rights warning and a Title 18 U.S.C. 1001, provide a
11 false statement form. The defendant signed the forms
12 acknowledging that he understood them.

13 During the interview the defendant continued to claim
14 that he was 13 years old.

15 Agents named defendant or -- returned defendant to a
16 holding cell while they investigated the statement. Defendant
17 admitted to a contractor caretaker while he was in the holding
18 cell that he was 18 years old, and that he was sorry for lying
19 to agents.

20 Agents then spoke to the defendant who stated his true
21 date of birth, and that he had used his brother's birth
22 certificate. The defendant said that he knew he would be
23 granted an immigration benefit if he posed as a minor.

24 The United States Department of Homeland Security
25 Customs and Border Protection is an agency of the department of

1 the United States.

2 THE COURT: Mr. Moncayo, any corrections to the
3 factual basis on Mr. Ramos?

4 MR. MONCAYO: Your Honor, I believe the day was
5 September 7th, is that what you have?

6 MR. SERWATKA: That's what I said.

7 MR. MONCAYO: Okay. I thought you said September 9th.
8 I apologize. No corrections, or objections, Your Honor.

9 THE COURT: Mr. Ramos, having heard Mr. Serwatka
10 recite the facts of your case, is everything correct as he has
11 stated?

12 THE DEFENDANT: Yes.

13 THE COURT: Since you have all acknowledged that you
14 are guilty, Ms. Bishop of Count One of your Indictment, Mr. Gil
15 and Mr. Ramos of the single-count Indictment, and since you
16 have also acknowledged that you know your right to trial and
17 what the maximum punishment can be, and since you voluntarily
18 have entered a plea of guilty, I will accept your plea and
19 enter a judgment of guilty as to Kayla Bishop to the first
20 count of your Indictment, and guilty Mr. Gil and Mr. Ramos of
21 the single-count Indictment filed against each of you.

22 Ms. Bishop and Mr. Gil are scheduled to be sentenced
23 on February the 1st, 2023, at 9:30 a.m.

24 Mr. Gil, I understand that you have complied with the
25 terms of your release. That's the report I get from Pretrial

1 Services. They're recommending that you be allowed to remain
2 on bond pending sentencing, which you will be here on time for;
3 is that correct?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: I'll allow you to remain on bond pending
6 sentencing.

7 Ms. Bishop, Mr. Gil and counsel, you may all be
8 excused.

9 (Sentencing on defendant Ramos reported but not
10 requested.)

11 * * * * *

12
13
14 CERTIFICATION

15
16 I certify that the foregoing is a correct transcript from
17 the record of proceedings in the above-entitled matter. I
18 further certify that the transcript fees and format comply with
19 those prescribed by the Court and the Judicial Conference of
20 the United States.

21
22 Date: August 16, 2023

23 /s/ Maria del Socorro Briggs

24 Maria del Socorro Briggs
25